

**Village of Wesley Hills  
Planning Board – June 24, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:43 p.m.

Present: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Don Isenberg, Marvin Finker, William Fried-Second Alternate

Also Present: Ben Selig-Village Attorney, Frank Brown-Deputy Village Attorney, Liz Mello-Village Engineer, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Uri Kirschner, Ester Ben-Dov-Shucht-First Alternate

**UPDATE: SPECIAL PERMIT AND SITE PLAN APPLICATION AND PUBLIC HEARING CONTINUATION OF ROCKLAND TREE EXPERTS CO. INC., D/B/A IRA WICKES FOR AN EXISTING ARBORIST SERVICE.**

Affecting property located on the south side of McNamara Road, -0- feet west from the intersection of Union Road. Known as Tax Parcel ID#42.18-1-22 on the Ramapo Tax Map.

Due to prior recusal, Frank Brown and Vera Brown, did not participate in this update.

Jeff Osterman, Village Planner, informed the Board that there was a TAC meeting on June 12, 2009 attended by the applicant and all the Village consultants. The Village consultant, B. Laing Associates, reviewed the report and responded on June 23, 2009 to the analysis submitted by the applicant's consultant Potenta Environmental Consultants. Mr. Osterman explained that there will be some further revisions to this final report and upon review by B. Laing Associates, a final version will follow prior to the Special Planning Board meeting scheduled on July 13, 2009.

Marshall Katz motioned to continue the public hearing until July 13, 2009 at 7:30 p.m.  
Don Isenberg seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, William Fried-Yes, Vera Brown-Abstain

**Motion Approved**

**PUBLIC HEARING CONTINUATION ON THE APPLICATION FOR ROEI GAMIL FOR A WETLANDS PERMIT.** Affecting property located on the north side of Willow Tree Road approximately 1000' west from the intersection of Route 306. Known as Tax Parcel ID#41.7-2-35 on the Ramapo Tax Map.

Roei Gamil represented the application. Marshall Katz explained to the public that the Board asked Mr. Gamil to submit a landscaping plan to remediate the land within the conservation easement and the wetlands 100-foot buffer. Marshall Katz asked for comments from the

Village consultants, Jeff Osterman and Liz Mello. Mr. Osterman responded that the landscape plan was varied and quite attractive and primarily shrubs and that he was satisfied. Liz Mello agreed.

Marshall Katz motioned to adopt the following resolution. Vera Brown seconded.

**Resolution #09-14**

WHEREAS, Roei Gamil has applied for a Wetlands Permit for authorization to construct a new extension of a residence and regrade the side yard and rear yard within 100 feet of the boundary of a freshwater wetland, on premises located on the northerly side of Willow Tree Road known as 42 Willow Tree Road, designated on the Town of Ramapo Tax Map as Section 41.7, Block 2, Lot 35, and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on March 25, 2009, at 7:30 P.M., and was continued on June 24, 2009, at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, Roei Gamil has admitted violating the Wetlands Law of the Village of Wesley Hills by removing vegetation and thereby changing previously existing conditions on said premises within the wetlands buffer area and within the conservation easement existing on the northerly portion of the said property, and

WHEREAS, the Planning Board has determined that the proposed action will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), for the reasons that the proposed plan allows for the reasonable use of the applicant's property while limiting the amount of disturbance within the 100-foot buffer area to that necessary to allow the proposed construction, the Planning Board is requiring restoration work within the wetlands buffer area and the conservation easement on said premises to replace vegetation that was removed, and after such restoration the proposed construction will not have any adverse impact on any wetland,

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such construction of a new extension of a residence and regrading of the side yard and rear yard within 100 feet of such wetland, as shown on the plot plan for such lot entitled "Landscape Plan for Gamil located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York" prepared by Ronald E. Haelen, RLA, dated January 7, 2009 and last revised June 2, 2009, subject to the condition that Roei Gamil shall perform all of the restoration work shown on said plot plan no later than September 22, 2009; and

BE IT FURTHER RESOLVED, that no civil fine for such Wetlands Law violation is hereby imposed at the present time, but the Planning Board expressly reserves the right to impose such a civil fine pursuant to Section 11A of Local Law No. 16 of 1984 in the event that the required restoration work is not fully implemented and completed by September 22, 2009.

Vote: Marshal Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, William Fried-Yes

**Motion Approved**

**APPLICATION CONTINUATION FOR OMNIPOINT COMMUNICATIONS INC. FOR A SPECIAL USE PERMIT FOR A WIRELESS COMMUNICATION SERVICES FACILITY.** Affecting property located on the west side of Route 306 south of Willow Tree Road. Known as Tax Parcel ID#41.11-1-18 on the Ramapo Tax Map.

Cara Bonomolo, Esq., of Snyder and Snyder, LLP, represented the applicant Omnipoint. Ms. Bonomolo explained that the application before the Board is for a Special Permit and Site Plan approval to locate a wireless telecommunications facility at the existing gas station property located at 475 Route 306 in the neighborhood shopping district. The facility will consist of an 87 foot flagpole with 6 antennae and includes equipment at the base of the tower. Ms. Bonomolo explained that they were last before the Board in July 2008 and thereafter have attended a number of TAC meetings with the Village consultants including Mr. Ronald Graiff, the Village's telecommunications consultant.

Ms. Bonomolo summarized Mr. Graiff's June 17, 2009 response report which confirmed that Omnipoint does have a gap in coverage within the Village of Wesley Hills and that the proposed site will provide coverage to this gap area and that 7 Mark Drive is not a feasible alternative. Mr. Graiff's report also referenced the Village Hall location as an alternative site. Ms. Bonomolo requested, in order to move forward, scheduling a public hearing on the proposed application for the gas station property or should the Board decide the Village Hall location is a preferable alternative, pass a resolution indicating as such with a recommendation to the Village Board.

Marshall Katz commented that Mr. Graiff's analysis also indicated that the Village Hall location filled the gap even better than the proposed site. It also would reduce the number of future cell tower sites due to the possibilities of co-location on the Village Hall site. Ben Selig, Village Attorney, explained to the Board that under federally mandated legislation one of the criteria is to choose a site, if possible, that affords the best possibilities of co-location in the future. One of the shortcomings of the Sikorsky site appears to be very little land at or near the base of the proposed tower limiting facilitation for equipment from other carriers. Marshall Katz also commented that Village Law requires that the tower be able to fall without leaving the site property which would be difficult on the Sikorsky site especially if the tower becomes even taller due to co-location.

Frank Brown also mentioned that at previous Planning Board meetings on cell towers, he had asked the Village telecommunications consultant at the time if the tower fell across the gas tanks, would there be a safety issue and the response was yes.

Jeff Osterman asked the applicant whether there would be any differences in the type and height of the pole relative to the two locations. Cara Bonomolo said the 87 foot pole should satisfy both locations and as far as design, the Village would have some input, e.g., a flagpole

versus a standard monopole which would be better for co-location options. Marvin Finker asked if the monopole would have to be extended 10-15 feet higher should other carriers co-locate? The response was it depends on the other carriers' coverage hold but the pole will have capability for extension. Mr. Finker asked the applicant to submit in their drawings a before and after view that also includes additional carriers at a higher height. Vera Brown inquired how tree growth affects the pole and the response was that growth at a high elevation, e.g., at the top of the hill, is usually a few inches per year and it would take quite some time before obstructing the tower. Marvin Finker asked about the lifetime of the pole, and the response was a long time, e.g., ones erected in 1984 are still standing.

The Board was polled and the consensus was to recommend the Village Hall property as the proposed site.

Marshall Katz motioned to adopt the following resolution. Marvin Finker seconded.

**Resolution #09-15**

WHEREAS, Omnipoint Communications, Inc. has applied to the Planning Board of the Village of Wesley Hills for a special permit and approval of a site plan for a wireless communication services facility on premises located on the westerly side of Route 306 and the southerly side of Willow Tree Road, known as 475 Route 306 and designated on the Town of Ramapo Tax Map as Section 41.11, Block 1, Lot 18, and

WHEREAS, the Planning Board has considered all of the applicant's submissions demonstrating its need for an additional wireless communication services facility, the impracticality of co-location on the site of an existing facility, and the relative suitability of the proposed site and the Village Hall property as an alternative site, and also the report of the Village's telecommunications consultant, Ronald E. Graiff, P.E., dated June 17, 2009,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby recommends to the Board of Trustees that the proposed wireless communication services facility be located on the Village Hall property instead of the originally proposed site for the reason that, based upon all presently available information, the Village Hall site would be superior with reference to the following factors:

- (1) the Village Hall site would offer better potential for future co-location;
- (2) the Village Hall site would offer better coverage potential to the applicant;
- (3) the Village Hall site would be a safer location in that it would offer a greater opportunity to design the monopole so that, in the event of a structural failure, it would fall on the site;
- (4) the Village Hall site would minimize the need for and extent of variances under Zoning Law sections 6.9.14f and 6.9.14o; and

(5) the Village Hall site would be a safer location in that, in the event of a structural failure, the monopole would not fall on gasoline pumps.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, William Fried-Yes

**Motion Approved**

**PUBLIC HEARING CONTINUATION ON THE SPECIAL PERMIT AND SITE PLAN APPLICATION OF AHAVAT YISRAEL TO CONSTRUCT A SYNAGOGUE.**

Affecting property located on the north side of East Willow Tree Road, opposite Rainbow Court. Known as Tax Parcel ID#41.8-1-47 on the Ramapo Tax Map.

Marshall Katz referenced the site visit at the property on May 17, 2009 by the Board and the consultants to assess two issues, driveway location (proposed on the west side) and screening in the rear of the Kanegis property. Frank Brown and Vera Brown disclosed that about a decade ago they represented the family for the administration of the estate of the deceased Mr. Kanegis but does not see this as being prohibitive under the Village's Code of Ethics to continue on this application. Marshall Katz and the Board agreed.

Frank Brown summarized the site visit indicating the Kanegis children preferred the east side for the driveway. After walking the property, Mr. Brown stated the consensus of Planning Board members and consultants was that there seemed to be a slightly better site distance from the proposed westerly side subject to two changes: the first utility pole to the left (east of the proposed westerly driveway) be set back further than it is because it was obstructing the view of the driver looking to the left. In the extreme southeast corner of the site there were two arborvitae that restrict the view and probably should be removed.

In comparison, Mr. Brown, explained that in walking up the easterly side and looking to the left, the view of E. Willow Tree Road would be obscured by the existing rock wall at the front of the adjacent property to the east. Secondly, with regard to the view visually from the Kanegis' back porch, the consensus was to add screening, i.e., evergreens, particularly towards the side of the new main building. Vera Brown also stated that at least one car length should be flat as the driveway approaches the road. Marshall Katz stated that from where the driveway is proposed and looking to the right, he could see clearly to Route 306. From the ground level off the Kanegis property, Mr. Katz suggested a small berm that will hide any view of the parking lot and/or the driveway.

Marvin Finker inquired about Mr. Kanegis' issue with the grade of the road and the visibility coming westerly on E. Willow Tree due to a dip in the road and both Marshall Katz and Vera Brown watched traffic from the property and they said they did not lose sight of any cars up or down the hill. Mr. Brown observed that from the Kanegis driveway looking to the left there is a loss of visibility because the driveway is at a lower location.

Liz Mello, Village Engineer, reviewed the site distance numbers and the alternative driveway on the east side and said the poor alignment of the telephone poles looking up the hill

seriously limits site distance. Therefore the recommendation is in favor of the proposed driveway on the west side and recommends some evergreen screening between the Kanegis property and the synagogue. Todd Rosenblum responded to the comments.

Marshall Katz asked the public if anyone wished to speak. No one wished to speak. Mr.Katz read 4 letters of support in favor of the application. Jeff Osterman asked about an updated lighting and landscaping plan. Steve Sparaco responded now that there is direction on the driveway location, they will submit a complete set of updated plans. A discussion on screening options took place.

In terms of approval, Jeff Osterman asked about the secondary parking plan for growth in the future. Marshall Katz confirmed that presently there are no guidelines in the Village law for future parking requirements. After reading the present law, Frank Brown agreed that in the resolution the Village be allowed to inform the owner of the site that based on experience to implement the overflow parking part of the application.

Vera Brown motioned to close the public hearing. Marvin Finker seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, William Fried-Yes

**Motion Approved**

Marshall Katz and the Board reserve a decision until the July 22, 2009 Planning Board meeting at which time there will be a review/discussion on secondary overflow parking recommendations as well as receipt of the updated landscaping and lighting plans.

**PUBLIC HEARING ON THE SPECIAL USE PERMITS AND SITE PLAN APPLICATION FOR CONGREGATION SHAAR HASHAMAYIM TO CONSTRUCT A SYNAGOGUE.** Affecting property located on the south side of East Willow Tree Road at the intersection of Rochelle Lane. Known as Tax Parcel ID#41.12-2-2 on the Ramapo Tax Map.

Marshall Katz confirmed with Janice Golda that the public hearing was posted, published, and mailed.

Todd Rosenblum, architect, and Steve Sparaco of Sparaco Engineering, gave overviews of the application to the public. Marshall Katz referenced the June 23, 2009 comment letter from the Village Fire Inspector, Chris Kear, reminding the applicant that the driveway turnaround should be 50 feet not 38 feet. Jeff Osterman, Village Planner, commented that the modifications to the lighting and planting plans were well done.

Liz Mello said their comments were addressed by Sparaco Engineering and questioned the type of pavement proposed in certain sections and the response was one section was highway grade pavement (approx. 6" thick) and the other section is parking lot pavement (approx. 3½" thick). Marvin Finker asked if a 20-ton truck can damage Grasscrete? Steve Sparaco responded that it is rated for this weight.

Marshall Katz read (22) support letters for the record and are available for review at the Village Office. Marshal Katz asked if any person wished to speak. The following residents spoke:

Mark Aschkenasy, 4 Mark Drive; Yoel Eisenreich, 12 Rochelle Lane; Carole Anderson, 8 Rockingham Road; Ethan Pfeiffer, 7 Rockingham Road; Solomon Babani, 22 Arcadian Drive; Elliot Lasky, 10 Rockingham Road; Rachel Taub, 2 Rochelle Lane; Harry Junger, 65 E. Willow Tree Road.

Feedback from the public included the following: expressions of satisfaction with the plans and supportive of the project; presently minimal impact on lifestyle; the character of the community will be enhanced; a synagogue will improve marketability for homes in the area; concerns about increased traffic due to (2) synagogues going up on E. Willow Tree Road; Rockingham Road is a thoroughfare, suggest speedbumps; tremendous need for the congregation to have a permanent home; concerns about the amount of planned parking, retaining existing trees, impact of lighting in the back, and the light pole height should be more residential in character (8-10 feet).

Marshall Katz explained that down the road there are plans to have sidewalks on one side of E. Willow Tree Road. Elliot Lasky responded that the parking is more than double the required number and they will not disturb vegetation more than necessary to maintain a natural buffer. Mr. Lasky also stated that the lighting was designed not to refract invasively into any nearby residences. Marshall Katz commented that the Board had asked the applicant to add more parking than originally planned which was fulfilled.

Marshall Katz scheduled a Board site visit for June 28, 2009 at 9:45 a.m. Frank Brown confirmed that the Board has not yet granted a negative declaration for SEQR and these visual issues raised are part of SEQR.

Marshall Katz motioned to adjourn the public hearing until the July 22, 2009 Planning Board meeting. Vera Brown seconded. Board approved.

**REQUEST FOR EXTENSION OF TIME FOR FILING OF THE BELMAR ESTATES SUBDIVISION.** Affecting property located on the north side of Belmar Court. Known as Tax Parcel ID#32.14-1-2 on the Ramapo Tax Map.

Mark Kurzmann, Esq., represented the application. Mr. Kurzmann explained to the Board that a problem was detected last week in regards to the cul de sac which has a crescent and a "T" at the top and now appears to be part of his client's property which has to be researched and verified before proceeding with the filing of his client's subdivision plat. Frank Brown explained to the Board how the laws on the filing of the subdivision will impact the process.

Marshall Katz motioned to adopt the following resolution. Vera Brown seconded.

**Resolution #09-16**

WHEREAS, on June 25, 2008, by Resolution #08-14, conditional subdivision approval was granted to the subdivision known as Belmar Estates, which conditional approval was subsequently extended until June 20, 2009, and

WHEREAS, such conditional approval has expired without the signing of the final plat for such subdivision due to uncertainty concerning the actual boundary of the subject property with Belmar Court, which uncertainty was not known to the applicant at the time of final plat approval, and

WHEREAS, the applicant has advised this Board that he intends to re-submit said plat for approval as soon as the uncertainty concerning the boundary is resolved and that the re-submitted plat will be identical to the previously approved plat except for any alteration that may become necessary as a result of resolution of the aforementioned boundary uncertainty,

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby grants permission to the applicant to proceed directly to a public hearing on final approval of the re-submitted plat, with approval of the sketch plat and the preliminary plat deemed to have been granted, provided that:

1. A complete re-submitted application for approval of such final plat shall be filed with the Village Clerk no later than August 23, 2009.
2. The re-submitted final plat shall be identical in all material respects with the previously approved final plat, except for any alterations that are necessitated by the resolution of the uncertainty concerning the street boundary of the said property.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, William Fried-Yes

**Motion Approved**

**APPROVE MAY 27, 2009 PLANNING BOARD MINUTES**

Don Isenberg motioned to approved the May 27, 2009 Planning Board minutes. Marvin Finker seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, William Fried-Yes

**Motion Approved**

Meeting adjourned at 10:06 p.m.

